

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LAWRENCE KEMP TENNILLE, II

Petitioner,

v.

WARDEN, FCI McKEAN, et al.,

Respondents.

Civil Action No. 07-218 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on August 17, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on April 14, 2009 [28], recommends that the instant petition for writ of habeas corpus be dismissed with prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated. Petitioner filed his objections [29] to the Magistrate Judge's R&R on April 29, 2009. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 30th day of July, 2009;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED with prejudice.

The Report and Recommendation of Magistrate Judge Baxter, filed on April 14, 2009 [28] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
SEAN J. McLAUGHLIN  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge